

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/053,931
Applicant : Dana Mears et al.
Filed : January 22, 2002
Title : METHOD AND APPARATUS FOR PERFORMING A
MINIMALLY INVASIVE TOTAL HIP ARTHROPLASTY

TC/A.U. : 3732
Examiner : Michael B. Priddy

Docket No. : ZIM0048-02/ZM0414 B DIV 1
Customer No.: 00832

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OFFICE OF PETITIONS

PETITION UNDER 37 CFR 1.313(c) TO WITHDRAW PATENT FROM ISSUE

Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. 1.313(c)(2), Applicants petition the Commissioner for Patents and Trademarks to withdraw from issue the above-entitled application so that the supplemental declaration filed herewith can be submitted in this matter. The concurrently filed supplemental declaration corrects a deficiency in the declaration previously filed in this matter. Specifically, a copy of a declaration filed in the parent case was erroneously filed in this continuation-in-part patent application. While the inventorship of this application has not changed from the parent application, because the present application is a continuation-in-part, a new declaration must be submitted. Therefore, Applicants petition to withdraw this patent from issue so that the supplemental declaration filed concurrently herewith may be submitted in this matter.

Concurrently herewith, Applicants are filing the supplemental declaration referred to above together with a Request for Continued Examination under 37 C.F.R. 1.114.

Further, Applicants request that the issue fee and publication fee which were paid in the above-identified application on January 17, 2005, in the amount of \$1700.00, be applied to Deposit Account No. 02-0385 and later applied toward the payment of the issue fee and publication fee in the amount identified on a new Notice of Allowance and Fee(s) Due.

Applicants submit herewith a check in the amount of \$130.00 to cover the Petition Fee required by 37 C.F.R. 1.17(h) §1.313. If the enclosed remittance is insufficient, please charge any additional amount required to Deposit Account No. 02-0385, Baker & Daniels.

Respectfully submitted,

BAKER & DANIELS



Michael D. Schwartz
Registration No. 44,326
Attorney for Applicant

MS/pas
Enclosures

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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS CORRESPONDENCE
IS BEING FACSIMILE TRANSMITTED TO THE UNITED STATES
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FAX NUMBER 571-273-0025

MICHAEL D. SCHWARTZ, NO. 44,326
NAME OF REGISTERED REPRESENTATIVE


SIGNATURE

March 18, 2005
DATE

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